

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DUSTIN DEAN,

Plaintiff,

v.

CITY OF TACOMA, TIMOTHY
RANKINE, MASYIH FORD,

Defendants.

CASE NO. C21-5822 MJP

ORDER STAYING
PROCEEDINGS

The Court issues this Order sua sponte and in light of Defendants' Notice of Appeal of the Court's Summary Judgment Order, which, among other things, denied Defendants' request for qualified immunity. (See Dkt. No. 85.) Under Ninth Circuit precedent, a "district court is automatically divested of jurisdiction to proceed with trial pending appeal" of a denial of qualified immunity. Chuman v. Wright, 960 F.2d 104, 105 (9th Cir. 1992). The only exception is when "the district court find[s] that the defendants' claim of qualified immunity is frivolous or has been waived[.]" Id. In that instance, "the district court may certify, in writing, that defendants have forfeited their right to pretrial appeal, and may proceed with trial." Id.

